



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/323,605	06/01/1999	NEELAKANTAN SUNDARESAN	AM9-99-007	9396

22462 7590 04/16/2002

GATES & COOPER LLP  
HOWARD HUGHES CENTER  
6701 CENTER DRIVE WEST, SUITE 1050  
LOS ANGELES, CA 90045

EXAMINER

NGUYEN, CUONG H

ART UNIT PAPER NUMBER

2165

DATE MAILED: 04/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/323,605

Applicant(s)  
Sundaresan

Examiner  
Cuong H. Nguyen

Art Unit  
2165



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Oct 10, 2001
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

DETAILED ACTION

1. This Office Action is the answer to the communication received on 10/10/2001, which paper has been placed of record.
2. Claims 1-30 are pending in this application.

Response to the paper submitted on 10/10/2001:

3A. The examiner submits that critical and sufficient evidences for the claimed concept were provided for the claimed subject matter; i.e., "Ferandes discusses a program that allows for simultaneous browsing on different WWW sites while having a conversation" as admitted by the applicant on page 2; other dependent features are obvious/inherent in applicant's IDS and they are well-known practices in real-life. The examiner submits that 35 USC 102(b) rejections are changed to 35 USC 103(a) since pending claims appear to be well-known practices (see extra cited prior art). The applicant argues that "Fernandes lacks any discussion about application of co-browsing to users shopping over a computer network, or about coordinating and combining the co-browsing with the experience of shopping at a network site.

Fernandes makes no mention or suggestion of a shopping environment". This limitation is not patentable since a particular field of intended use is already covered in that broad picture/application in **Ferandes'** article; furthermore, **Ferandes** discloses that "browsing on different World-Wide-

Web sites" already comprising shopping sites, that "issue" was already suggested a solution by Ferandes. Therefore, the examiner disagrees with applicant's argument on the 1st paragraph of page 2; and he submits that Fernandes inherently makes suggestion of a shopping environment.

3B. On page 3, 1<sup>st</sup> para., the applicant argues "As discussed at page 7 of the specification, ...", the US Patent rules require that claimed limitations must be in the claim to be considered for protection once it becomes a claim of a patent (since the claim would be an intellectual property of the inventor). Therefore, applicant can not argue limitation NOT in the claim.

3C. On page 3, 3<sup>rd</sup> para., although **Ferandes** does not expressly teach "providing the users with a window comprising a first pane, and a second pane with communication content between users"; the examiner submits that this limitation has been widely used for various purposes. That has been a capability of MS Windows environment that Ferandes need not to disclose in his article (i.e., cascading technique wherein in newsgroup articles, the accumulation of quotation marks (often angle brackets) added by newsgroup readers each time an article is replied to. Most newsgroup readers will copy the original article in the body of the reply; after several replies, the original material will have several quotation marks). (see also **Hodges** et al.'s book on multimedia computing, pp.166-167; these authors clearly disclose a

collaborative browsing (on the Internet) case by using an example wherein voice, video, and shared graphics and data were used simultaneously, i.e., see pp.166-167).

4. In resolving the question of obviousness under 35 U.S.C. 103, PTO presumes full knowledge by the inventor of all the prior art in the field of his endeavor. However, with regard to prior art outside the field of his endeavor, PTO only presumes knowledge from those arts reasonably pertinent to the particular problem with which the inventors was involved. The determination that a reference in from a non-analogous art is therefore twofold. First, PTO decides if the reference is within the field of the inventors' endeavor. If it is not, we proceed to determine whether the reference is reasonably pertinent to the particular problem with which the inventor was involved, this is concerned to "co-browsing the WWW and communication to each other" which is clearly what cited references are disclosed; the problem are solved in substantially similar manner".

#### Claim Rejections 35 U.S.C. 103(a)

*The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:*

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject*

***matter pertains. Patentability shall not be negated by the manner in which the invention was made.***

5. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Alaia et al.** (US Pat.6,230,146, priority date: 9/21/1998); in view of **Hodges et al.**'s book on multimedia computing, 1993; and further in view of **Sakamoto et al.**'s IEEE article.

A. The subject matter of these claims (whether they are expressed in different languages) is only directed to **collaborative browsing on the Internet**, **Sakamoto et al.**'s IEEE article obviously suggests this idea.

B. These limitations belong to a fundamental concept in browsing/surfing (see also **Hodges et al.**'s book on multimedia computing, pp.166-167; these authors clearly disclosed a **collaborative browsing (on the Internet) case** by using an example wherein voice, video, and shared graphics and data were used simultaneously, i.e., see pp.166-167). One skilled in the art can ascertain the essential characteristics of cited references below and, without departing from the spirit and scope thereof, can make various changes and modifications of these references to adapt its subject matter to various usages and conditions in retailed stores as in the languages of pending claims.

C. For other pending claims' limitations; the examiner submits that they are either obvious or well-known in the art, or inherent in cited references. The examiner submits that claimed "critical" concept is recognized and

examined/seeing with different angles; other claimed limitations are not patentable simply they are not invented by the applicants.

D. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify those references about browsing/surfing Internet to claim an idea of cobrowsing by different users on the Internet with combined references of **Alaia et al.**, **Hodges et al.**, and **Sakamoto et al.**

E. The examiner submits that the pending claimed limitations are obvious in cited references. Cited prior art limitations are not necessary spelled-out exactly claimed languages, because cited prior art is also directed to analogous applications as what the applicant did. The cited references are not limited to described embodiments in their disclosures. It is reasonable that analogous modifications of described method and system of the cited prior art would be apparent to those skilled in the art without departing from the scope and spirit of their disclosures; although these disclosures have been described in connection with specific preferred embodiments, it should be understood that their intentions should not be limited to their specific embodiments.

6. Remarks:

- The MS Computer dictionary definition of **Browse** (vb) To scan a database, a list of files, or the Internet, either for a particular item or for anything that seems to be of interest. Generally, browsing implies observing, rather than changing, information.
- The examiner also submits that there is nothing different between the way of communicating while browsing the Internet (e.g., 2 friends are on the telephones talking about a particular price of an item on amazon.com site. The phones are absolutely "free" from cable modem lines which their computers are connecting to; surfing Internet would even be better and faster with these cable modem lines). Hence, "co-browsing" and "communication" between 2 users' actions were established; the pending invention is not patentable based on the prior rejections on **Fernandes** in view of cited new references.

### ***Conclusion***

7. Claims 1-30 are not patentable.
8. These following references are also pertinent to claims' subject matters:
  - Anupam et al. EPO Patent 875844 A2 - priority date: 5/02/1997, Method and system for obtaining information and services over a communication network wherein a user and a customer service agent **share a web browsing experience using a collaborative browsing scheme** and



they also able to exchange information among themselves in text (see **Anupam** claims 1 and 13).

- Anupam et al. EPO Patent 820028 A2 - priority date: 7/16/1996, Method and system for obtaining and exchanging information on World-Wide-Web wherein **joining a collaborative browsing session in a synchronous manner and collaborators can interactively communicate with one another in real time during a session** (see **Anupam**, the abstract).
- McArthur et al., US Application# 99142342 - 07/02/1999, Method and apparatus for comparing, ranking, and selecting data items including web pages, wherein "collaborative shopping" and "a merchant can participate in the **collaborative shopping session** as an advisor", "name of the participant that entered chat text" actions obviously show the claimed subject matter.
- De Jesus Hoyos Rivera et al., A design frame work for collaborative browsing, Enabling Technologies : Infrastructure for Collaborative Enterprises, 10<sup>th</sup> IEEE International Workshops on 2001, pp.362-367.
- Sakamoto et al., **Collaborative World Wide Web browsing system** through supplement awareness, Knowledge-Based Intelligent Engineering Systems and Allied Technologies, 4<sup>th</sup> International Conference, Vol.1, 2000, pp.233-236.

- McKinley et al., Pocket Pavilion: a **synchronous collaborative browsing application** for wireless handheld computers, Multimedia and Expo, 2000. ICME 2000, 2000 IEEE International Conference, vol.2, 2000, pp.967-970.
- Kim et al., Collaborative multimedia middleware architecture and advanced Internet call center, Information Networking, 2001, 15<sup>th</sup> International Conference, IEEE 2001, pp.246-250.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Cuong H. Nguyen, whose telephone number is (703)305-4553. The examiner can normally be reached on Monday-Friday from 7:15 AM-3:15 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins, can be reached on (703)308-1344.

**Any response to this action should be mailed to:**

Amendments

Commissioner of Patents and Trademarks

c/o Technology Center 2100

Washington, D.C. 20231

**or faxed to:** (703) 746-7238 (after Final)

(703) 746-7239 (Official)

Or: (703) 746-5572 (RightFax) (for informal or draft communications, please label "PROPOSED" or "DRAFT")

09/323,605  
Art Unit 21

Hand-delivered responses should be brought to Crystal Park  
II, 2121 Crystal Drive, Arlington. VA. 22202, 4<sup>th</sup>. Floor  
(Receptionist).

Any inquiry of a general nature or relating to the  
status of this application should be directed to the Group  
receptionist whose telephone number is (703)305-3900.

*Cuong Nguyen*  
Mar. 25, 2002